

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.11.2017

Coram

THE HON'BLE MR.JUSTICE RAJIV SHAKDHER
&
THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

H.C.P.No.2069 of 2017

Devaki

... Petitioner

Vs.

The State represented by its

1.The Secretary to Government of Tamil Nadu,
Department of Home
Fort St. George,
Chennai - 600 009.

2.The Additional District General of Prison,
C.M.D.A. Towers,
Egmore, Chennai - 600 008.

3.The Superintendent
Central Prison
Puzhal.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents to transfer the detenu from Stanley Government Hospital to Parvathy Ortho Hospital, Chennai to the detenu, Veerabharathy, S/o.Ponnaian, aged about 46 years old, was a convict prisoner bearing Convict No.1384, detained at Central Prison, Puzhal, Chennai.

For Petitioner : Mr.S.Manoharan

For Respondents : Mr.V.M.R.Rajentran,

Addl. Public Prosecutor.

ORDER

(Order of the Court was made by **RAJIV SHAKDHER, J**)

1. We have received medical assessment from the Government Stanley Medical College & Hospital, Chennai. The relevant part of the report is extracted hereafter:

“1.He has got fracture of 4th & 5th metatarsal right foot with two wounds in the dorsum of foot.

2.Treatment: Conservative-Non Operative treatment with Plaster of Paris, Regular dressing and Antibiotics.

3.There is satisfactory progression in wound healing.

4.The convict patient does not require the specified treatment- 'K wire' fixation.

5.The facilities for k wire fixation are available in our hospital.”

2. In view of the assessment made by the aforementioned hospital, the detenue cannot be released on the ground stated in the petition.

3. Counsel for the petitioner, at this stage, says that the detenue's recuperation is necessary and therefore, he should be released.

3.1. This is not the ground, on which, detenue's release was sought. The

ground stated was that the detainee required to be operated upon. The report cited above opines to the contrary.

4. In these circumstances, all that can be said, at this juncture, is that, if, another petition is moved to secure release of the detainee on the ground that he requires recuperation, the same will be considered, as and when, such a petition is moved, albeit, in accordance with law.

5. The petition is, accordingly, dismissed, with the aforesaid observations in place.

(R.S.A., J.)

(N.S.K., J.)

13.11.2017

Index : yes/no
vsm

To

1.The Secretary to Government of Tamil Nadu,
Home Department, Fort St. George,
Chennai - 600 009.

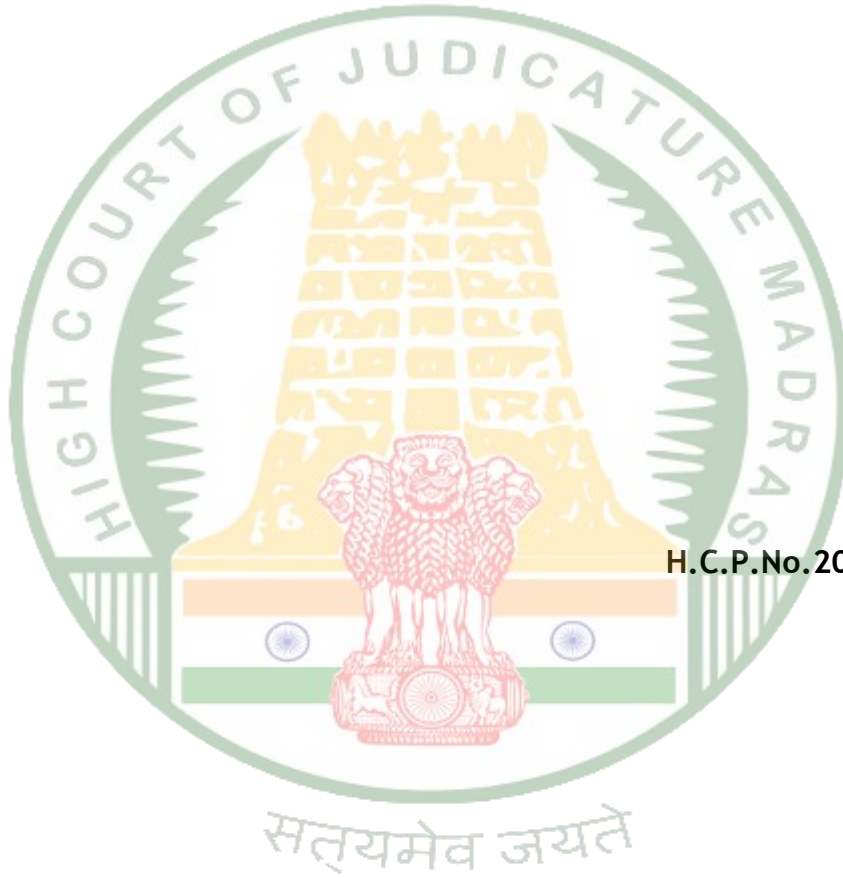
2.The Additional District General of Prison,
C.M.D.A. Towers,
Egmore, Chennai - 600 008.

3.The Superintendent
Central Prison, Puzhal.

4.The Public Prosecutor,
Madras High Court, Chennai.

RAJIV SHAKDHER, J.
and
N.SATHISH KUMAR, J.

vsm



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